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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/742,553	12/20/2000	Allan F. Sowinski	81040PDAN	8950

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EXAMINER

BAYAT, ALI

ART UNIT	PAPER NUMBER
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2625

DATE MAILED: 11/10/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/742,553	Applicant(s) SOWINSKI ET AL.	
	Examiner Ali Bayat	Art Unit 2625	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 06 July 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-30 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 25-30 is/are allowed.
- 6) ☒ Claim(s) 1-24 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 20 December 2000 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Response to Amendment

1. Applicant's amendment filed on 7/06/04 has been entered and made of record.

Applicant's arguments, see pages 14-17 of the remarks, filed on 7/6/04, with respect to claims 25-30 have been fully considered and are persuasive. The rejection under 103(a) of claims 25-30 has been withdrawn and these claims are allowed now.

Applicant's arguments filed on 7/6/04 with respect to claims 1-24 have been fully considered but they are not persuasive.

In response to claims 1,10,21,23-24 Applicant argues on page 13 of the remarks, that "claimed plurality of predetermined available image looks that are offered to a customer is different from the options illustrated in Fig.3 of Fredlund et al. '215. The options illustrated in Fig. 3 of Fredlund et al. enable the improvement of an image or the correction of a defect in the image by offering the user option of reducing red-eye, zooming and cropping, and selecting frames and borders. It is noted that option such as zooming and cropping and the reduction of red-eye are not predetermined image looks that are available for selection by a customer as required by the claimed invention."

Examiner disagrees. First of all the phrase "predetermined" was not included in the claim language, secondly, Fredlund et al. provide for predetermined image looks in Fig.3, element 62; col.5 line 64-col.6 line 29, note that "the customer can also select a variety of frames and borders for the image by activating the select frames command button 62. In response various styles and options for frames and borders are displayed. When the customer selects one of the styles or options, the appearance of the image in frame or border is demonstrated in

Art Unit: 2625

display area 56. The frame and style selections are recorded for return with the customer order. The photofinisher uses the frame style and selection information in processing the customer order.” (Col.6 lines 7-15). Further Applicant argues on page 13 of the remarks, that “the reference to Fredlund et al. ‘215 is also not believed to show or suggest the concept of providing the image looks for association with scan-only photographic material as also required by claim 1”. **Examiner disagrees. Fredlund et al. provide for scan-only photographic material, note images 1-6 in element 52 of Fig.3 col.5 lines 16-18.**

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-18 and 20-24 are rejected under 35 U.S.C. 102(b) as being anticipated by Fredlund et al.

In regard to claim 1, Fredlund provides for a photofinishing method comprising the steps of: a) offering a plurality of predetermined available image looks to a customer in a manner which permits the customer to select at least one image look for association with at least one image captured by the customer on scan-only photographic material (Fig.3 elements 58,60 and 62 col.5 line 64-col.6 lines 29); b) converting the at least one image to an image-bearing electronic signal representative of the at least one image (Fig.6 element 116 col.17 lines 35-41); c) applying the

Art Unit: 2625

selected look to the image-bearing electronic signal (Fig.6 element 122 col.7 lines 60-67); d) processing the image-bearing electronic signal to provide a processed image having properties of the selected image look (Fig.6 element 124 col.7 line 65-col.8 line 5); and e) transferring the processed image to at least one of a customer or an intended recipient (col.8 lines 16-28).

With regard to claims 2 and 11 Fredlund provides a method, further comprising the step of printing the processed image (Fig.6 element 124).

As to claims 3 and 22 Fredlund provides for a method, wherein the step of offering the image look to a customer comprises representing the image looks on a display medium (Fig.3 element 50 col.5 lines 14-17).

In regard to claims 4 and 13, Fredlund provides for a method, wherein the step of representing the image looks on a display medium comprises displaying the image look to a customer on a color monitor, to permit the customer to select a desired image look from the displayed image looks subsequent to viewing the processed images (Fig.3 element 50, col.5 line 64-col.6 lines 29).

With regard to claims 5 and 12, Fredlund provides for a method, wherein the scan-only photographic recording material is a color negative film (col.2 lines 28-30).

As to claims 6-7 and 14-15, Fredlund provides for a method, wherein the step of offering a plurality of images looks comprises displaying the image look to a customer in a color brochure, to permit the customer to select a desired image look from the displayed image looks prior to viewing the processed image (Fig.3 elements 58,60 and 62, col.5 line 64-col.6 line 29).

Art Unit: 2625

In regard to claims 8 and 16, Fredlund provides for a method, wherein the image looks include one or more looks from a list that includes accurate color reproduction, portrait color, high color, black-and-white, old-fashioned sepia tones, selected levels of color intensity (Fig.6 element 116 col.7 lines 38-43, note color intensity), selected levels of contrast, selected levels of detail, selected levels of sharpness, and selected levels of grain.

With regard to claim 9, Fredlund provides for a method, wherein the converting of the at least one image to an image-bearing electronic signal representative of the at least one image occurs at a different location than the processing the image-bearing electronic signal to provide a processed image having the properties of the selected image look (col.7 lines 1-5, note insertion of images in pre-prepared backgrounds).

As to claims 10,21 and 23. See claim 1 above. It recites similar limitations as claims 10,21 and 23. Hence they are similarly analyzed and rejected.

With regard to claim 17, Fredlund provides for a method, wherein the exposed photographic recording material is processed with a development step to produce an image suitable for scanning (col.2, lines 28-31).

In regard to claim 24. See claim 1 above. It recites similar limitations as claim 24. Except for computer program product (Fig.1B element 26 col.3 lines 30-35). Hence it is similarly analyzed and rejected.

With regard to claim 18, Fredlund provides for a method, wherein the processing step for the exposed photographic recording material includes dry chemistry thermal photographic development (col.7 lines 20-25).

In regard to claim 20. See claim 1 above. It recites similar limitation as claim 20.
Hence it is similarly analyzed and rejected.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claim 19 is rejected under 35 U.S.C. 103(a) as being unpatentable over Fredlund et al. (U.S. 5,666,215) in view of Bourdelais et al. (U.S. patent 5,866,282).

In regard to claim 19, Fredlund discloses for a photofinishing method (Fig.1B col.3 lines 20-35), Fredlund does not disclose expressly for processing step for the exposed photographic recording material includes lamination to a donor medium. However in the same field of endeavor Bourdelais discloses for for processing step for the exposed photographic recording material includes lamination to a donor medium (col.10 lines 45-59), references of Fredlund and Bourdelais are combinable, because they are from the same field of endeavor (photographic images) It would have been obvious to a person of ordinary skill in the art at time the invention was made to incorporate the teaching of Bourdelais (col.10 lines 45-59), to modify the system and method of Fredlund, because the invention of Bourdelais provides an improved base for casting of photosensitive layers. It particularly provides improved base for color photographic materials that have greater resistance to curl and improved image (col.2 lines 14-17).

Conclusion

4. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Contact Information

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ali Bayat whose telephone number is 703-306-5915. The examiner can normally be reached on M-Thur 9:00-7:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Bhavesh Mehta can be reached on 703-3085246. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Art Unit: 2625

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Ali Bayat *AB*
Patent examiner
Group Art Unit 2625
11/05/04

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